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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/673,902	FOREMAN ET AL.
	Examiner	Art Unit	
	Ba Huynh	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 May 2007*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 5/14/07 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed

invention. The specification fails to provide a detailed description of the limitation "each clip

object includes trim handles". As evidence from the specification, the trim handles is displayed

after the user selects the clip (spec, page 15, lines 24-25), thus the trim handle is a separate

feature not included in each of the clip object.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation "the trim handles for a clip are displayed on the left and right ends of the clip when the user selects the clip" must be shown or the feature(s) canceled from the claim(s). It is noted that the left and right trim handles are not displayed at the left and right end of the selected clip in figure 17C, and are not displayed at the left and right end of the same selected clip in figure 17E, 18-20 (It appears that the trim handles can be displayed at the left **or** right end of a clip, but not at both ends concurrently). **No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this
> or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by US patent

#5,442,744 (Piech et al).

- As for claims 1, 10:   Piech et al (hereinafter Piech) teach a computer implemented system

comprising programming codes and graphical user interface, comprising a computer readable

medium storing computer program instructions for a computer program that facilitates editing of

a motion picture using motion video data on a computer, wherein the computer program, when

executed by a computer provides a graphical user interface, comprising: a viewer window 11 on

a display for the computer for viewing motion video data; and a timeline region 15 on the display

and nonoverlapping with the viewer window for displaying a timeline representing selections of

the motion video data in a temporal order that specifies the motion picture; wherein each

selection of the motion video data is represented by a clip object displayed on the timeline and

having a size and a position on the timeline corresponding to a position of the selection in the

motion picture being edited (player 11, Storyboard 13 and Strip view 15 are interrelated) and a

duration of the selection (indicated by the time scale 27, 4:16-18), and wherein each clip object

includes trim handles (Splinder) for the user to select an edge of the clip object to perform a trim

operation by dragging the edge of the clip object to a desired trim point, thereby adjusting the

size of the clip object and the duration of the corresponding selection of motion video data (4:16-
56; figs 1, 3-5).

- As for claims 2, 11: The trim operation is a trim right operation that removes frames from an
incoming edge of a clip (4:62-5:59).

- As for claims 3, 12: The trim operation is a trim right operation that adds frames to an
outgoing edge of a clip (4:62-5:59).

- As for claim 4, 13: The trim operation is a trim left operation that adds frames to an incoming
edge of a clip (4:62-5:59).

- As for claim 5, 14: The trim operation is a trim left operation that removes frames from an
outgoing edge of a clip (4:62-5:59).

- As for claim 6, 15: The clip object has a start point and a stop point in the selection of motion
video data and wherein the graphical user interface enforces boundary conditions on the trim
operation (i.e., the trim operation change the boundary of the clip, 4:62-5:59).

- As for claim 7, 16: The boundary conditions includes a requirement that the start point precede
the stop point in the selection of motion video (start point 537 precedes stop point 542. Start
point 543 of clip 2 also precede stop point 542 of clip 1 in trim left operation, 4:62-5:59).

- As for claims 8, 17: The boundary conditions include a requirement that the start point and the
stop point are separated by at least one frame (frame 537 and 542 are separated by in-between
frames, 4:62-5:59).

- As for claims 9, 18: The boundary conditions include a requirement that the start point and the
stop point are within the selection of motion video data available in a corresponding data file for

storing the selection of motion video data (start point 537 and stop point 542 are within the

selection of the clip, 4:62-5:59).

- As for claims 19, 20: The splinder can be displayed at the left or right end of a clip (see

    comment set forth above in the objection to the drawing).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent

#5,442,744 (Piech et al), in view of US patent #5,999,174 (Ubillos).

- As for claims 1, 10: Piech et al (hereinafter Piech) teach a computer implemented system

comprising programming codes and graphical user interface, comprising a computer readable

medium storing computer program instructions for a computer program that facilitates editing of

a motion picture using motion video data on a computer, wherein the computer program, when

executed by a computer provides a graphical user interface, comprising: a viewer window 11 on

a display for the computer for viewing motion video data; and a timeline region 15 on the display

and nonoverlapping with the viewer window for displaying a timeline representing selections of

the motion video data in a temporal order that specifies the motion picture; wherein each

selection of the motion video data is represented by a clip object displayed on the timeline and

having a size and a position on the timeline corresponding to a position of the selection in the

motion picture being edited (player 11, Storyboard 13 and Strip view 15 are interrelated) and a

duration of the selection (indicated by the time scale 27, 4:16-18), and wherein the interface

includes trim handles (Splinder) for the user to select an edge of the clip object to perform a trim

operation by dragging the edge of the clip object to a desired trim point, thereby adjusting the

size of the clip object and the duration of the corresponding selection of motion video data (4:16-

56; figs 1, 3-5). Piech fails to clearly teach that each of the clip object includes trim handle for

the user to select an edge of the clip object to perform a trim operation. However in the same

field of video editing, Ubillos teach that each clip object includes trim handles for the user to

select the edge of the clip object to perform a trim operation (Ubillos' 10:48-11:15). It would

have been obvious to one of skill in the art, at the time the invention was made. To combine

Ubillos' teaching of the clip object trim handles to Piech. Motivation of the combining is

reducing processing time and being more user friendly.

- As for claims 2, 11: The trim operation is a trim right operation that removes frames from an

incoming edge of a clip (4:62-5:59).

- As for claims 3, 12: The trim operation is a trim right operation that adds frames to an

outgoing edge of a clip (4:62-5:59).

- As for claim 4, 13: The trim operation is a trim left operation that adds frames to an incoming

edge of a clip (4:62-5:59).

- As for claim 5, 14: The trim operation is a trim left operation that removes frames from an

outgoing edge of a clip (4:62-5:59).

- As for claim 6, 15: The clip object has a start point and a stop point in the selection of motion

video data and wherein the graphical user interface enforces boundary conditions on the trim

operation (i.e., the trim operation change the boundary of the clip, 4:62-5:59).

- As for claim 7, 16: The boundary conditions includes a requirement that the start point precede

the stop point in the selection of motion video (start point 537 precedes stop point 542. Start

point 543 of clip 2 also precede stop point 542 of clip 1 in trim left operation, 4:62-5:59).

- As for claims 8, 17: The boundary conditions include a requirement that the start point and the

stop point are separated by at least one frame (frame 537 and 542 are separated by in-between

frames, 4:62-5:59).

- As for claims 9, 18: The boundary conditions include a requirement that the start point and the

stop point are within the selection of motion video data available in a corresponding data file for

storing the selection of motion video data (start point 537 and stop point 542 are within the

selection of the clip, 4:62-5:59).

- As for claims 19, 20: The handles are at the left and right end of a clip (see also comment set

forth above in the objection to the drawing).

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in

view of the new ground(s) of rejection (see the 103(a) rejection using the combination of Piech

and Ubillos). Applicant's arguments is also not found persuasive in light of the applicant's

specification and the drawing wherein it appears that the trim handles are displayed after the user

selects a clip object, thus each of the clip object does not include the trim handles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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7/17/07